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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,968	12/06/2000	Mourad Ben Ayed		6993

7590

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EXAMINER

ANYASO, UCHENDU O

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 01/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/729,968

Applicant(s)

BEN AYED, MOURAD

Examiner

Uchendu O Anyaso

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. **Claims 1-12** are pending in this action.

#### ***Claim Rejections - 35 USC ' 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Persidsky* (U.S. Patent 6,130,666) in view of *Chery et al* (U.S. 6,211,863).

Regarding **independent claims 1, 8 and 10**, and for **claims 11 and 12**, *Persidsky* teaches a self-contained pen computer device (10) that collects and stores handwritten data without requiring a special writing surface (column 3, lines 9-19, figure 1 at 10; column 1, lines 12-18). This pen computer (10) is wireless (see figure 1 (showing no wires)).

Furthermore, *Persidsky* teaches write button (54) which when pressed allows a user to draw images or words in a display (24) by moving the writing tip (12) through the air, requiring no surface whatsoever to acquire or edit handwritten data (column 6, lines 31-40, figure 8 at 12, 24, 54).

Furthermore, *Persidsky* teaches a transmitter (70), and how pressure sensor (14) is included in the tip of pen (10) and a motion sensor (16) comprising accelerometers (21, 23, 25) outputs signals indicative of the motion of the pen so that the handwritten

Art Unit: 2675

data may be acquired by the display (24) (see Abstract; see *also* column 4, lines 29-51, figures 1-4, 13 at 70; column 3, lines 43-67 *through* column 4, lines 1-27).

However, Persidsky does not teach how his pen device establishes connection with a receiving device in order to transmit data from the pen to the receiving device corresponding to graffiti symbols. On the other hand, Chery teaches how his device comprises a graffiti region which can recognize handwritten signals, such as handwriting graffiti used with the PALM PILOT (column 14, lines 23-28) such that the stylus 10 would be adapted to be used in a transcription system and includes a reference signal transmitter 62 and a position signal transmitter 58 wherein detectors 12A, 12B can be modified to include a reference signal receiver 56 and a position signal receiver 60 (column 33, lines 57-62, figure 2C at 58, 60). This transmitter and the receiver establish a connection by a means similar to a hand-shake protocol as claimed by applicant.

Thus, it would have been obvious to a person of ordinary skill in the art to combine Persidsky and Chery because while Persidsky teaches a self-contained pen computer device (10) that collects and stores handwritten data without requiring a special writing surface wherein a write button (54) when pressed allows a user to draw images or words in a display (24) by moving the writing tip (12) through the air; Chery teaches how his device comprises a graffiti region which can recognize handwritten signals, such as handwriting graffiti used with the PALM PILOT (column 14, lines 23-28) such that the stylus 10 would be adapted to be used in a transcription system and includes a reference signal transmitter 62 and a position signal transmitter 58 wherein

Art Unit: 2675

detectors 12A, 12B can be modified to include a reference signal receiver 56 and a position signal receiver 60 (column 33, lines 57-62, figure 2C at 58, 60). The transmitter and the receiver establish a connection by a means similar to a hand-shake protocol as claimed by applicant. The motivation for combining these inventions would have been to provide a stylus and system that includes logic that recognizes handwritten signals (column 14, lines 26-28).

Regarding **claim 2**, in further discussion of claim 1, Persidsky teaches how a pressure sensor (14) is included in the tip of pen (10) and a motion sensor (16) comprising accelerometers (21, 23, 25) outputs signals indicative of the motion of the pen so that the handwritten data may be acquired by the display (24) (see Abstract; see *also* column 4, lines 29-51, figures 1-4); column 3, lines 43-67 *through* column 4, lines 1-27).

Regarding **claims 3-7 and 9**, in further discussion of claims 1, 2 and 8, Persidsky teaches write button (54) which when pressed allows a user to draw images or words in a display (24) by moving the writing tip (12) through the air, requiring no surface whatsoever to acquire or edit handwritten data (column 6, lines 31-40, figure 8 at 12, 24, 54). Also, Chery teaches how his device comprises a graffiti region, which can recognize handwritten signals, such as handwriting graffiti used with the PALM PILOT (column 14, lines 23-28).

Thus, it would have obvious to a person of ordinary skill in the art to combine Persidsky and Chery because while Persidsky teaches write button (54) which when pressed allows a user to draw images or words in a display (24), Chery provides an environment within a graffiti region that can recognize handwritten signals, such as handwriting graffiti used with the PALM PILOT. As such, the combination of Persidsky and Chery would teach a person of ordinary skill in the art how to achieve graffiti encompassing words, images, symbols or numbers as suggested by applicant. The motivation for combining these inventions would have been to provide a stylus and system that includes logic that recognizes handwritten signals (column 14, lines 26-28).

#### ***Response to Arguments***

4. Applicant's amendments and arguments filed on October 16, 2002 have been fully considered but they are not persuasive. Applicant amended his claim to include the feature of a receiving device that establishes a connection with a wireless electronic stylus. In response to applicant's amendments, Lewis was added to cure the deficiency of Persidsky.

Although Persidsky does not teach how his pen device establishes connection with a receiving device in order to transmit data from the pen to the receiving device, Lewis teaches a self-contained pen computer that is capable of transmitting data/symbols to a receiver host computer via a transmitter contained in a pen (see Abstract; see also column 4, lines 37-58).

Art Unit: 2675

However, Chery teaches how his device comprises a graffiti region which can recognize handwritten signals, such as handwriting graffiti used with the PALM PILOT (column 14, lines 23-28) such that the stylus 10 would be adapted to be used in a transcription system and includes a reference signal transmitter 62 and a position signal transmitter 58 wherein detectors 12A, 12B can be modified to include a reference signal receiver 56 and a position signal receiver 60 (column 33, lines 57-62, figure 2C at 58, 60).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Persidsky and Chery because while Persidsky teaches a self-contained pen computer device (10) that collects and stores handwritten data without requiring a special writing surface wherein a write button (54) when pressed allows a user to draw images or words in a display (24) by moving the writing tip (12) through the air; Chery teaches how his device comprises a graffiti region which can recognize handwritten signals, such as handwriting graffiti used with the PALM PILOT (column 14, lines 23-28) such that the stylus 10 would be adapted to be used in a transcription system and includes a reference signal transmitter 62 and a position signal transmitter 58 wherein detectors 12A, 12B can be modified to include a reference signal receiver 56 and a position signal receiver 60 (column 33, lines 57-62, figure 2C at 58, 60). The transmitter and the receiver establish a connection by a means similar to a hand-shake protocol as claimed by applicant. The motivation for combining these inventions would have been to provide a stylus and system that includes logic that recognizes handwritten signals (column 14, lines 26-28).

In addition, applicant argues that Persidsky does not teach graffiti. However, Chery teaches how his device comprises a graffiti region which can recognize handwritten signals, such as handwriting graffiti used with the PALM PILOT (column 14, lines 23-28). Moreover, Persidsky teaches graffiti by teaching a write button (54) which when pressed allows a user to draw images or words in a display (24) by moving the writing tip (12) through the air, requiring no surface whatsoever to acquire or edit handwritten data (column 6, lines 31-40, figure 8 at 12, 24, 54). The image/symbols in Persidsky is similar to applicant's definition of graffiti, which is "a symbol set that is similar to the alphabet." (see Applicant's Remarks at page 4, paragraph 2).

As such, applicant's amendments and argument are not persuasive.

### ***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,434,371 to *Brooks* for a hand-held electronic writing tool.

U.S. Patent 5,294,792 to *Lewis et al* for a writing tip positioning sensing and processing apparatus.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

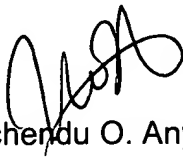
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Application/Control Number: 09/729,968

Page 9

Art Unit: 2675



Ucherdu O. Anyaso

01/07/2003



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